

TRAVIS HULEY,
Plaintiff,
v.
Sheriff BILL MASSEE, et al.,
Defendants.

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) **CIVIL ACTION NO. 5:16-CV-32 (MTT)**
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United States Magistrate Judge Stephen Hyles recommends Defendants Dr. Buczynsky and Nurse Bell's motions for summary judgment (Docs. 68; 70) be granted. Doc. 80 at 1, 13. Plaintiff Travise Huley has objected to the recommendation. Doc. 83. Pursuant to 28 U.S.C. § 636(b)(1), the Court has performed a de novo review of the portions of the Recommendation to which Huley objects, and the Court accepts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation (Doc. 80) is **ADOPTED** and made the order of this Court. The Defendants' motions for summary judgment (Doc. 68; 70) are **GRANTED**. Accordingly, Huley's claims are **DISMISSED with prejudice**.

In his objection, it appears that Huley alleges numerous new claims against the Defendants including that they are liable for “perjury, slander,” and “unconstitutional behavior.” Doc. 83 at 2. To the extent Huley attempts to allege new bases for relief, the Court has discretion to grant or deny such a motion. *Williams v. McNeil*, 557 F.3d 1287, 1292 (11th Cir. 2009) (“[A] district court has discretion to decline to consider a party’s argument when that argument was not first presented to the magistrate judge.”); *Cf. Stephens v. Tolbert*, 471 F.3d 1173, 1176 (11th Cir. 2006) (holding district court does

not abuse “its discretion when it accepts an argument that had not been presented to the magistrate judge”); see also *Newsome v. Chatham Cty. Det. Ctr.*, 256 F. App’x 342, 344 (11th Cir. 2007). The Court **DENIES** Huley’s motion to amend because it is untimely, and, in any event, amendment would be futile because Huley provides only conclusory allegations and thus fails to state a claim. See Doc. 83. Huley has also filed a “Statement of Claim” in which he attempts to state an excessive force claim related to an event that occurred on January 25, 2018. Doc. 82. The claim Huley asserts in this “Statement of Claim” is wholly unrelated to the remaining claims in this lawsuit against Defendants Bell and Buczynsky. Accordingly, to the extent this is an attempt to amend his current complaint to include those claims, that motion is **DENIED**. If Huley wishes to pursue this claim, the proper avenue to do so is through filing a new lawsuit.

SO ORDERED, this 21st day of February, 2018.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT